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BEFORE THE  
PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 1999-469-C

In RE: )

Review of Proposed )  
Guidelines for Rates )

Set by BellSouth )

Telecommunications, Inc. )

Pursuant to )

S.C. Code Ann. § 58-9-576 )

AT&T's RESPONSE TO BELL SOUTH  
MOTION TO STRIKE

S. C. PUBLIC SERVICE COMMISSION  
RECEIVED  
MAR 9 2000

S. C. PUBLIC SERVICE COMMISSION  
RECEIVED  
MAR 10 2000  
UTILITIES DEPARTMENT

AT&T Communications of the Southern States, Inc. (AT&T) makes the following response to the Motion of BellSouth Telecommunications, Inc. (BellSouth) to strike the testimony of Gregory J. Tate.

1. S.C. Code Ann. § 58-9-576 (Supp. 1998), authorizing the election by a local exchange carrier (LEC) for alternative forms of regulation, specifically provides in subsection 5 that the LEC shall set rates for all services, with specified exceptions, on a basis that does not unreasonably discriminate between similarly situated customers, and further provides that such rates shall be subject to a complaint process.

2. In his prefiled testimony, Gregory J. Tate asserts, with supporting documented analyses, that BellSouth's rates for switched access services are indeed discriminatory and constitute an abuse of market position.

3. The testimony of Mr. Tate is specifically responsive to the direct testimony filed by Alphonso J. Varner of BellSouth beginning at page 8, line 14 and continuing through page 11, line 15. In fact, Mr. Varner's testimony states at page 8, line 18 that BellSouth's prices "will be

set” on a basis that does not unreasonably discriminate between similarly situated customers, leaving the inference that they presently discriminate, but that this situation will be corrected in the future. This is an inference completely consistent with the factual circumstances described in Mr. Tate’s testimony.

4. The Commission should not wish to approve guidelines implementing an election for alternative regulation with specific knowledge that BellSouth’s rates may be in violation of § 58-9-576 (5). It is the most efficient use of the Commission’s time to address this matter in this docket and correct any unreasonable rate discrimination between similarly situated customers at the outset. To do otherwise would necessitate the subsequent filing of a complaint upon the issuance of an Order in this docket, thereby protracting the harm to rate payers affected by such discriminatory rates.

WHEREFORE, AT&T respectfully prays that BellSouth’s Motion to Strike be dismissed.

AT&T COMMUNICATIONS OF THE  
SOUTHERN STATES, INC.

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March 9, 2000

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 9th day of March, 2000 sent via U.S. Mail, postage prepaid, a true and correct copy of a **LETTER TO GARY E. WALSH, EXECUTIVE DIRECTOR THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA, DATED MARCH 9, 2000 RESPONSE TO BELL SOUTH'S MOTION TO STRIKE ON BEHALF OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.** to the following:

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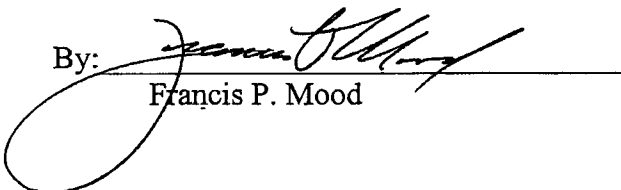
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